



January 27, 2004

SENATE BILL No. 144

DIGEST OF SB 144 (Updated January 26, 2004 11:51 am - DI 52)

Citations Affected: IC 13-11; IC 13-18; noncode.

Synopsis: Defines "transient noncommunity water system." Provides that a transient noncommunity water system that serves a population of 250 or less and that uses groundwater is not subject to engineer certifications or alternative technical standard rules. Allows the transient noncommunity water system to use an alternative to technical standards if approved by the commissioner. Specifies that the commissioner may discontinue an approved alternative standard if the system is not operated in the manner approved. Requires the commissioner, if requested, to modify an isolation area to make an alternative modified isolation area if certain conditions are met. Requires that the water pollution board amend certain sections of the administrative code to comply with this act.

Effective: July 1, 2004.

Meeks R, Lanane, Craycraft

January 6, 2004, read first time and referred to Committee on Rules and Legislative Procedure.

January 20, 2004, amended; reassigned to Committee on Environmental Affairs.

January 26, 2004, reported favorably — Do Pass.

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SB 144—LS 6733/DI 13+



January 27, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 144

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-237.5, AS AMENDED BY P.L.224-2003,
2 SECTION 131, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2004]: Sec. 237.5. "Transient noncommunity
4 water system", for purposes of IC 13-18-11, **IC 13-18-16**, and
5 IC 13-18-20.5, means a noncommunity water system that does not
6 regularly serve at least twenty-five (25) of the same persons over six
7 (6) months per year.

8 SECTION 2. IC 13-18-16-17 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2004]: **Sec. 17. A transient noncommunity**
11 **water system that:**

12 **(1) serves a population of two hundred fifty (250) or less; and**
13 **(2) uses groundwater as a source;**
14 **is not subject to 327 IAC 8-3-3(c), 327 IAC 8-3.4-3, or 327**
15 **IAC 8-3.4-27.**

16 SECTION 3. IC 13-18-16-18 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

SB 144—LS 6733/DI 13+



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[EFFECTIVE JULY 1, 2004]: **Sec. 18. (a)** A transient noncommunity water system described in section 17 of this chapter may use an alternative to the technical standards in 327 IAC 8-3 and 327 IAC 8-3.4 if the alternative technical standard is approved under subsection (b).

(b) The commissioner may approve an alternative technical standard if the alternative will require drinking water of at least the same:

(1) quality; and
(2) normal operating pressure at the peak flowrate; required by the technical standards in 327 IAC 8-3 and 327 IAC 8-3.4.

(c) The commissioner may discontinue an approved alternative technical standard if the system is not operated in the manner approved by the commissioner.

SECTION 4. IC 13-18-16-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 19. (a)** For a transient noncommunity system described in section 17 of this chapter, the commissioner shall, if requested by the system, modify an isolation area (as defined in 327 IAC 8-3.4-1(13)) to make an alternative modified isolation area if:

(1) the well is located at an existing system; and
(2) the system does not own, lease, or otherwise control a sufficient area to meet the isolation requirements of 327 IAC 8-3.4-9.

(b) The modified isolation area must place the well at the greatest distance possible from contaminant sources using the area owned, leased, or otherwise controlled by the system.

(c) The commissioner may require additional monitoring based on the proximity of the well to contaminant sources.

SECTION 5. [EFFECTIVE JULY 1, 2004] (a) Before December 31, 2005, the water pollution control board shall amend 327 IAC 8-3 and 327 IAC 8-3.4 to reflect this act.

(b) This SECTION expires January 1, 2006.

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COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 144, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Environmental Affairs.

(Reference is to SB 144 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Madam President: I move that Senators Lanane and Craycraft be added as coauthors of Senate Bill 144.

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COMMITTEE REPORT

Madam President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 144, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 144 as printed January 21, 2004.)

GARD, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SB 144—LS 6733/DI 13+

